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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/726,155

12/02/2003

Martin J. Guilfoyle

WK/2003-16/US

3789

7590

06/15/2006

WARD KRAFT, INC.
P.O. BOX 938
FORT SCOTT, KS 66701

EXAMINER

FABER, DAVID

ART UNIT

PAPER NUMBER

2178

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,155

Applicant(s)

GUILFOYLE ET AL.

Examiner

David Faber

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 9-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4 October 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is to the Election/Restriction response filed 25 April 2006.

This action is made Non-Final.

2. Claims 1-8 are pending. Claim 1 is an independent claim.

Election/Restrictions

3. Applicant elects the claims of Group I, Claims 1-8, with traverse for examination.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 4 October 2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "100" has been used to designate both a meeting in Paragraph 0032 and a pocket in Paragraph 0055. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

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Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “250” has been used to designate both data is merged in Paragraph 0032 and a sheet is supplied in Paragraph 0036. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claim 1-8 are rejected under 35 U.S.C. 112, second paragraph, since it appears to be a hybrid claim. See *Ex parte Lyell*, 17 USPQ2d 1548 (Bd. Pat. App. & Inter. 1990). The preamble claims a system and method, but the body of the claim refers to the method steps ("providing", "forming", etc). This renders the claim indefinite, since it is unclear what the claimed subject matter is.

10. Claims 4, 5, and 6 are rejected under 35 U.S.C. 112, second paragraph, for using the term "substantially simultaneously" for being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Therefore, Examiner views the term being at the same time.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gentile et al (US Patent #4,636,179, patented 1/13/1987).

- Obtaining data relating to an event (Column 3, lines 45-52; Column 7, lines 7-10: Discloses promotional literature which one may distribute to existing business customers or clients wherein the folder contains information relating to the products, services or business of the party who provided the folder. Since the folder is being distribute to an existing business customer or client,

then its inherent that the business customer or client data has been obtained for the folder to be distribute to that customer or client.)

- Providing at least one blank suitable for use as a presentation folder (FIG 2; Column 4, lines 62-65; Column 3, lines 45-53: Folder is used for promotional literature distribute to existing or potential customers, where in the folder contains information relating to the products, services or business of the party who provided the folder. Thus, since the folder is being distributed to a business contact, it is being presented to the contact presenting the party's information, hence a presentation folder.)
- Supplying at least one sheet suitable for forming into a pocket (Column 4, lines 23-34: overlapping sheet)
- Forming said sheet into at least one pocket (Column 4, lines 35-38)
- Printing said at least one sheet with at least a portion of data, (Column 4, lines 26-45; Column 7, lines 7-10)

Gentile et al fail to specifically disclose at least names of attendee for the event.

Gentile et al does disclose the ability to distribute information to existing business customers or clients in the event of a client receiving a folder distributed to the client, containing information relating to the products, services or business of the practice party who provided the folder. (Column 3, lines 45-52) Furthermore, it was well-known in the art at the time of Applicant's invention to provide (or print, etc) the name of the attendee's in or on folders for special events. It would have been obvious to one ordinary skill in the art that Gentile et al's folder invention included names of the

attendees, of existing business clients, for the event of receiving a folder since it would provided accurate identification of the client or customer receiving the folder.

In addition, Gentile et al discloses printing said blanks to create printed blanks (Column 5, lines 7-1) and connecting said pockets to said blanks to create a presentation folder (FIGS 2-3 Column 4, lines 35-61: the overlapping sheet that forms into a pocket is connected to the base sheet by an adhesive.) However, Gentile et al fails to specifically disclose printing at least a portion of data, and with said printing on said pockets cooperating with said print blanks to form a personalized communication on each of said presentation folders for each attendee. Furthermore, it was well-known in the art at the time of Applicant's invention to have printed or provided some sort of information on pockets of folders, relating to an event. Since Gentile et al discloses the ability to distribute a folder containing company information to a existing business client, wherein its inherent that data regarding about the client has been obtained, (Column 3, lines 45-52) it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Gentile et al's folder invention to print information of the business client, such as the name, on the blank since it would have provided the benefit of showing a communication of giving the intended and identifying ownership of the folder to the specific client since the presentation folder has been prepared for the business client presented by the party.

As per dependent Claim 2, Gentile et al discloses a method further includes information relating to at least one product or services being offered by a presenter for

the event. (Column 3, lines 48-52: the folder discloses information relating the products, services or business of the party who provided the folder.)

As per dependent Claims 3 and 4, Claim 3 and 4 recites similar limitations as in Claim 1 and is similarly rejected under rationale. Furthermore, Gentile et al fails to specifically disclose supplying a second sheet for forming into a pocket substantially simultaneously. However, Gentile et al discloses an overlapping sheet on at least one of said inside surfaces, said overlapping sheet extending over part of said one inside surface to provide a pocket which indicates the possibility of more than one overlapping sheet may be presented on more than inside surfaces. Thus, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified Gentile et al's invention of folder creation to include another second overlapping sheet to be formed into a pocket since it would have provided the benefit of being able to hold additional material and information relating to the party that provided the folder.

As per dependent Claim 5, Claim 5 recites similar limitations as in Claim 1 and is similarly rejected under rationale. Furthermore, Gentile et al discloses providing data related to a presenter (Column 3, lines 48-52)

As per dependent Claim 6, Claim 6 recites similar limitations as in Claim 1 and is similar rejected under rationale. Furthermore, in conjunction with the rationale incorporated of printing business client or customer information from Claim 1, client data is merged with presenter when the business client's information is printed on the folder while the presenter's information relating to products and service provided within the

folder, (Column 3, lines 48-53; Column 7, lines 7-10) thus resulting in a merging of information between the client and the presenter.

13. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gentile et al (US Patent #4,636,179, patented 1/13/1987) in further view of Kachel et al (US Patent #5,156,270, patented 10/20/1992).

As per dependent Claims 7 and 8, Gentile et al fails to include packaging the presentation folders and distributing the presentation folders after packaging. However, Kachel et al discloses a method for packaging and dispensing (distributing) folders. (Abstract, line 1; Column 1, lines 14-16)

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modify Gentile et al's folder creation with Kachel et al's packaging and dispensing of folders would have provided the benefit of easily and economically storing, transporting, and dispensing folders.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Welt (US Patent #5,141,485): Discloses making a folder with attaching pockets.
- Ong (US Patent #5,882,038): Discloses making a custom presentation folder.

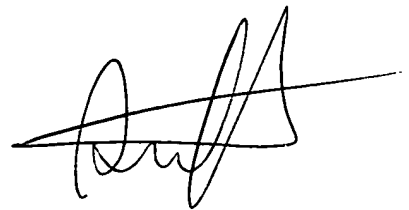
- Cordes (US PGPub 2005/0070410): Discloses making a presentation folder with attachable pockets.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Faber whose telephone number is 571-272-2751. The examiner can normally be reached on M-F from 8am to 430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Faber
Patent Examiner
AU 2178

A stylized handwritten signature, possibly reading 'DF', enclosed within a circular loop.A complex, cursive handwritten signature.

STEPHEN HONG
SUPERVISORY PATENT EXAMINER